JUL 15 2011

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JULIA C. DUDLEY, CLERK	
JULIAC DUDLEY, CLERK BY: DEPUTY CLERK	_

SHIRE LLC,)
Plaintiff,) Civil Action No. 7:10-cv-00434
v.)) <u>ORDER</u>
TRAVIS C. MICKLE, PH.D., et al.)) By: Samuel G. Wilson
Defendants.) United States District Judge

In accordance with the Memorandum Opinion entered on this day, it is **ORDERED** and **ADJUDGED** that:

- (1) The motion to bifurcate and stay discovery on KemPharm's tortious interference, unfair competition, and Sherman Act counterclaims under Rule 42(b) by Shire LLC, Shire Pharmaceuticals, Inc., and Shire US, Inc. is GRANTED;
- (2) KemPharm's slander counterclaim, and Mickle's slander and breach of settlement agreement counterclaims are bifurcated and that discovery relating to these claims shall be stayed until Shire LLC's breach of contract claims and the defendants' declaratory judgment counterclaims are resolved;
- The motion to dismiss KemPharm's counterclaims by Shire LLC, Shire

 Pharmaceuticals, Inc., and Shire US, Inc. is **DENIED** without prejudice as premature.

ENTER: July 15, 2011.

UNITED STATES DISTRICT JUDGE